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Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 23 February 2010 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

We have the honour of addressing you regarding the workshop on the protection of civilians in United Nations peacekeeping operations co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations in New York on 19 January 2010.

We consider that this was a very good opportunity to encourage an open, broad and constructive dialogue among all stakeholders, including the troop- and police-contributing countries, on the findings and recommendations of the independent study entitled "Protecting Civilians in the Context of United Nations Peacekeeping Operations — Successes, Setbacks and Remaining Challenges" conducted by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. The workshop also provided an opportunity for Member States to engage in a discussion with the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs on how they intend to respond to the findings of the independent study.

A summary of the workshop discussions is attached (see annex). It describes, briefly and objectively, the main concerns, challenges and understandings raised by the diverse participants in this event.

We hope that this document may be helpful in discussions of these issues that could eventually take place in the General Assembly or its specialized body, the Special Committee on Peacekeeping Operations.

We request that the present letter and its annex be circulated to all Member States as a document of the General Assembly, under agenda item 33.

(*Signed*) Gary **Quinlan**

(*Signed*) José Luis **Cancela Gómez**

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Annex to the letter dated 23 February 2010 from the Permanent Representatives of Australia and Uruguay to the United Nations addressed to the President of the General Assembly

Workshop on the protection of civilians in United Nations peacekeeping operations co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations

New York, 19 January 2010

The Permanent Missions of Australia and Uruguay to the United Nations co-hosted a workshop on 19 January 2010 on the protection of civilians in United Nations peacekeeping operations. The aim of the workshop was to provide a forum for the peacekeeping community, in particular the troop- and police-contributing countries, to provide their thoughts on the recommendations made in the Department of Peacekeeping Operations/Office for the Coordination of Humanitarian Affairs jointly commissioned independent study entitled "Protecting Civilians in the Context of United Nations Peacekeeping Operations — Successes, Setbacks and Remaining Challenges", based on their practical experience.

The workshop was held in follow-up to a similar workshop co-hosted by the Permanent Missions of Australia and Uruguay to the United Nations in January 2009 on the implementation of protection of civilians mandates in United Nations peacekeeping operations (A/63/722). The points raised at that workshop were taken into account in 2009 by the Special Committee on Peacekeeping Operations, which called for the Secretariat to consult with troop- and police-contributing countries on their experiences in implementing mandates on protection of civilians.

In parallel with the progress being made in the Special Committee on Peacekeeping Operations, the Security Council remained focused on protection of civilians throughout 2009, marking the tenth year of the progressive consideration of protection of civilians in armed conflict as a thematic issue as well as the ten-year anniversary of the first time the Security Council mandated for a United Nations peacekeeping operation to protect civilians in the United Nations Mission in Sierra Leone. In the last of three thematic Security Council debates in 2009, the Council adopted resolution 1894 (2009) in which it called on the Secretary-General to develop an operational concept on protection of civilians in close consultation with Member States, including the troop- and police-contributing countries.

Against the backdrop of these developments in 2009, the workshop in January 2010 focused on the findings of the study and the reactions of Member States and the Secretariat to its recommendations. The workshop was divided into three sessions to facilitate discussion between different panellists and the participants from Member States, the Secretariat and non-governmental organizations. (A list of the panellists is attached to the present document.) A summary of the key issues discussed in those sessions follows.

Session 1: Overview of the Department of Peacekeeping Operations/Office for the Coordination of Humanitarian Affairs independent study

The first session focused on the findings of the independent study. Its advance release in November 2009 provided Member States with the opportunity to

formulate some comments on the extensive document in advance of the workshop. The panellists were able to provide an overview of the study's findings as a result of their experience in the research process and as part of the advisory panel of the study.

The study was the first piece of comprehensive research that had been done on the protection of civilians in United Nations peacekeeping operations. It examined the whole chain of events from the elaboration of protection of civilians mandate language in the Council through to the implementation of the mandate on the ground. It found that the process required serious attention and that this was something that Member States, the Secretariat and the Security Council all needed to be involved in.

The study found that protection of civilians is a very broad concept that was already well grounded and defined in international humanitarian law and human rights law, but that those definitions had not yet been effectively translated into a field context to operationalize protection and ensure that these civilians were actually being protected on the ground. These tasks were not just confined to physical protection tasks but could incorporate such elements as security sector reform and rule of law elements.

In terms of the Secretariat, the study found that the lack of an operational concept had hindered the implementation of protection of civilians mandates, as there was no clarity, analysis or scope of the resources and equipment needed to effectively implement the mandate. Feedback from the field found that, for some military or police members, protection of civilians was one more thing they were being asked to do, with already complex mandates and limited resources. What United Nations peacekeeping missions therefore required was a mission-wide strategy that would factor in all of these different considerations and ensure that the mission's resources were channelled to better protect civilians. Commanders in the field often found it difficult, when events were unfolding, to make decisions about mission strategy and tactics in the absence of clear guidance on how to protect civilians. The United Nations would be in a better position to develop guidance, based on lessons learned from the field and in close consultation with troop- and police-contributing countries, in a manner that makes the expectations and responsibilities clear to everybody involved.

The independent study found that the Security Council needed to take into account protection of civilians from the very moment it started to consider a mission, right at the planning stages. This was critical to ensure that the mandate was adequate, that the mission would be adequately resourced, and that the troop- and police-contributing countries were aware of what would be expected of them in committing to a peacekeeping operation with a protection of civilians mandate. This was a point that was raised frequently throughout the discussion, and is one of the reasons why troop- and police-contributing countries stressed the need for better communication between themselves and the Council, to ensure that they knew exactly what they were contributing to. It was also recognized that troop- and police-contributing countries would need to adequately assess whether they could commit to the requirements of the mission.

The Special Committee on Peacekeeping Operations was viewed as the main body that could add significant value, in an intergovernmental and advisory capacity, while reflecting the wider political support of Member States on this issue.

However, more steps could be taken to ensure that delegates, in particular those without military experience, were better sensitized to what was occurring in the field. This could involve meetings and feedback mechanisms throughout the year about developments in the field, as well as visits to the field to see and hear what problems and difficulties peacekeepers were facing on the ground.

Many participants showed particular interest in the trip that the team leader of the independent study, Ambassador Mahiga (Permanent Representative of the United Republic of Tanzania to the United Nations), had recently made to African capitals to discuss the findings of the independent study. They viewed this as a good example of efforts to constructively engage with troop- and police-contributing countries on the issues identified in the independent study.

Session 2: Perspectives from troop- and police-contributing countries based on lessons learned

This session focused on the experiences and lessons learned by troop- and police-contributing countries that were tasked with implementing protection of civilians mandates in the field. Many of the experiences shared by the panellists and participants in the audience concurred with several of the problem areas identified in the independent study.

Many of the troop- and police-contributing countries present agreed on the need to be engaged from the very beginning of the mandate formulation process, as this would promote a better understanding among the different actors on the objectives, challenges and potential risks linked to the implementation of a protection of civilians mandate.

One of the main challenges identified by many troop- and police-contributing countries was a lack of adequate resources for the size of missions and the requirements of the mandates. Missions required more mobility and quick deployment capabilities in order to meet the rapidly changing circumstances on the ground. Some participants expressed concern that the resources being provided (for example, non-military helicopters) were not adequate for the mission they were tasked to undertake. Balanced with the need for resources and capabilities was the need for a mission-wide approach that would take into consideration the political developments on the ground and ensure that resources were utilized effectively across a mission.

Another challenge that hampered the effective implementation of protection of civilians mandates was a lack of training and guidance, in conjunction with effective leadership that actually understood what the mandate was attempting to achieve. Further work needed to be done to ensure that there was a common understanding between the Security Council, the Secretariat and the troops and police on the ground about the mandate requirements.

Many of the participants agreed that the implementation of a protection of civilians mandate would differ from mission to mission, and that this would require peacekeepers on the ground to observe the peculiarities of each mission. This required better collection of information and the provision of threat assessments. Communication with the local population on the ground — simply talking to people — was viewed as critical. Discussion also focused on experiences in the field where communication with the local population had resulted in innovative

approaches that require minimal resources but substantially improve the safety of civilians. Quick-impact projects, such as energy-saving stoves or digging wells near internally displaced persons camps, reduced the frequency of movement among civilians and therefore reduced the need for civilians to place themselves, as well as the peacekeepers trying to protect them, in threatening situations.

Session 3: How does the Secretariat plan to take forward the issue of protection of civilians?

This session focused on how the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs intend to take forward the recommendations of the independent study to ensure that protection of civilians mandates are more effectively implemented in the field.

The study pointed out that mission leadership is important, as protection is often more forcefully carried out based on leadership. However, mission leaders have often been left to deal with several difficult aspects in implementing protection of civilians mandates, without any guidance on what the mandates mean or how to prioritize the mandated tasks.

The lack of clarity on these and other issues has contributed to an ad hoc approach. In the absence of clear guidance on these matters, missions have developed several innovative approaches to protection of civilians. The lessons learned note on protection of civilians would analyse some of the good lessons being learned, such as the importance of an early focus on protection of civilians, incorporating protection into mission planning from the outset, anticipating protection incidents through threat analysis and early warning, employing a joint and integrated approach to protection, and placing an emphasis on communicating protection tasks (and their limitations) to local and international audiences.

The Department of Peacekeeping Operations provided an overview of some of the key problems identified in the study and how it intends to address them:

- Key mission planning documents have had minimal references to how protection of civilians should be done in the field. The Department of Peacekeeping Operations intends to examine planning mechanisms, with a view to ensuring that protection of civilians mandates are built into and mainstreamed into the mission architecture.

- There is very little training about how troops are expected to operationalize protection of civilians. They are told what not to do, rather than what they should do. The Department will work with Member States to develop training standards to ensure peacekeepers arrive in the field better prepared to undertake their tasks.

- Missions cannot undertake their missions to protect without a sound understanding of the environment, the risks they will face and the motives behind the mission. The Department is undertaking an analysis of their threat analysis capability.

- Strong mission leadership can enable the mission to proactively find ways to address protection. One of the key aspects of the "New Horizon" agenda is to reinforce mission leadership through training and accountability frameworks and by working with Member States to deploy effective mission leaders.

- All policymakers at the practical level must have a common understanding as to what is intended by the protection mandate. The Department of Peacekeeping Operations is compiling a paper on lessons learned and is using it to inform the drafting of an operational concept. The operational concept will also assist in identifying the necessary training and guidance development, as well as the necessary requirements to deliver on the protection of civilians. The operational concept will have a three-tiered approach:

  (1) protection through political process;

  (2) protection from physical violence, including four different phases, namely assurance, pre-emption (prevention and deterrence), crisis response and consolidation;

  (3) establishment of a protective environment.

- If all the other measures were to fail, then there must be a readiness to use force. The robust peacekeeping approach will have to be part of this comprehensive approach. This will require more effective delivery of logistics support on multiple fronts, so that the peacekeeping mission would not have to go into a crisis response phase.

Improving implementation of protection of civilians mandates will be a system-wide endeavour. It will require effective leadership, coordination, an overarching strategy, early reporting of protection concerns, and effective benchmarks. This will require focused attention from the full range of protection actors, including the Security Council, the Secretariat, the host country, Member States, the uniformed troops and police on the ground, humanitarian actors and the local population.

Conclusion

The independent study maps out a roadway as to how the United Nations peacekeeping community might be able to better protect civilians as part of United Nations peacekeeping operations. It was clear that protection of civilians in United Nations peacekeeping continues to face many challenges, but that these are now well-known and work is under way to start addressing them. Participants were appreciative of the work that is going on in the Secretariat and expressed interest in substantive discussions on protection of civilians in the upcoming session of the Special Committee on Peacekeeping Operations.

Attachment

Panellists

Session 1: Overview of the Department of Peacekeeping Operations/Office for the Coordination of Humanitarian Affairs independent study

Chair: Gary Quinlan, Ambassador and Permanent Representative, Permanent Mission of Australia to the United Nations

Panellists:

- Augustine Mahiga, Ambassador and Permanent Representative, Permanent Mission of the United Republic of Tanzania to the United Nations, and team leader of the independent study
- Glyn Taylor, senior researcher and author of the independent study
- Prince Zeid Ra'ad Zeid Al-Hussein, Ambassador of the Hashemite Kingdom of Jordan to the United States, member of the advisory group on the independent study

Session 2: Perspectives from troop- and police-contributing countries based on lessons learned

Chair: José Luis Cancela Gómez, Ambassador and Permanent Representative, Permanent Mission of Uruguay to the United Nations

Panellist:

- Alfred Ndabarasa, Chargé d'affaires, Permanent Mission of Rwanda to the United Nations

Session 3: How does the Secretariat plan to take forward the issue of protection of civilians?

Chair: Gary Quinlan, Ambassador and Permanent Representative, Permanent Mission of Australia to the United Nations

Panellists:

- Izumi Nakamitsu, Director of the Policy, Evaluation and Training Division, Department of Peacekeeping Operations
- Hansjoerg Strohmeyer, Chief of the Policy Development and Studies Branch, Office for the Coordination of Humanitarian Affairs